

State of South Dakota

NINETIETH SESSION LEGISLATIVE ASSEMBLY, 2015

784W0389

SENATE BILL NO. 80

Introduced by: Senators Ewing, Brown, Haggar (Jenna), Hunhoff (Bernie), Jensen (Phil), Monroe, Olson, Parsley, Rampelberg, Rave, Rusch, and Tieszen and Representatives Romkema, Beal, Campbell, Feickert, Johns, May, Peterson (Kent), Rounds, and Schoenbeck

1 FOR AN ACT ENTITLED, An Act to increase the selling price of a towed vehicle that exempts
2 the seller of the vehicle from certain vehicle dealer licensing requirements.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 32-6B-5 be amended to read as follows:

5 32-6B-5. The following persons are exempt from the licensing requirements of this chapter:

- 6 (1) Any employee of any person licensed as a vehicle dealer if engaged in the specific
7 performance of the employee's duties;
- 8 (2) Any financial institution chartered or licensed in any other jurisdiction that acquires
9 vehicles as an incident to the financial institution's regular business and sells the
10 vehicles to dealers licensed under this chapter;
- 11 (3) Any nonprofit automobile club if selling automobiles twenty years old or older under
12 the provisions of chapter 32-3;
- 13 (4) Any person acting as an auctioneer if auctioning South Dakota titled vehicles for a
14 licensed dealer or a person who is exempt from the provisions of this chapter;



- 1 (5) Any person engaged in the business of manufacturing or converting new vehicles if
2 selling the vehicles to a licensed dealer holding a franchise from the original
3 manufacturer of the vehicle;
- 4 (6) Any person not engaged in the sale of vehicles as a business and is disposing of
5 vehicles used solely for personal use if the vehicles were acquired and used in good
6 faith and not for the purpose of avoiding the provisions of this chapter;
- 7 (7) Any person not engaged in the sale of vehicles as a business who operates fleets of
8 vehicles and is disposing of vehicles used in the person's business if the same were
9 acquired and used in good faith and not for the purpose of avoiding the provisions
10 of this chapter;
- 11 (8) Any person who sells less than five vehicles in a twelve-month period, unless the
12 person is licensed as a dealer in another state or holds himself or herself out as being
13 in the business of selling vehicles. However, if the vehicles are travel trailers, any
14 person who sells less than three travel trailers in a twelve-month period;
- 15 (9) Any public officer while performing the officer's official duties;
- 16 (10) Any receiver, trustee, personal representative, guardian, or other person appointed by
17 or acting under the judgment or order of any court;
- 18 (11) Any regulated lenders as that term is defined in § 54-3-14, any insurance company
19 authorized to do business in this state, or any financing institution as defined in and
20 licensed pursuant to chapter 54-4 that acquires vehicles as an incident to its regular
21 business;
- 22 (12) Any towing agency that acquires and sells a vehicle which has been towed at the
23 request of a private landowner under the provision of chapter 32-36 or at the request
24 of a law enforcement officer, if no vehicle is sold for an amount over ~~two hundred~~

1 one thousand two hundred dollars;

2 (13) Any vehicle rental and leasing company that sells its used vehicles to dealers licensed
3 under this chapter; and

4 (14) Any South Dakota nonprofit corporation which gives a donated motor vehicle to a
5 needy family or individual.